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6TH DISTRICT, MINNESOTA

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**Congress of the United States**  
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HOUSE REPUBLICAN STEERING

REPUBLICAN WHIP TEAM

DEPUTY WHIP TEAM

May 21, 2018

The Honorable Seema Verma  
Administrator  
Centers for Medicare and Medicaid Services  
200 Independence Avenue SW  
Washington, D.C. 20201

Dear Administrator Verma:

According to a recent report, Minnesota has one of the highest rates of major clinical depression.<sup>1</sup> People diagnosed with major depression are nearly 30 percent less healthy on average than those not diagnosed with major depression. These individuals die nearly ten years earlier, 85 percent have at least one additional chronic disease, and nearly 30 percent have four or more health care conditions. All these factors taken together result in these individuals using more health care services than other Americans and having higher overall annual health care spending (\$10,673 compared to \$4,283).

Knowing these staggering statistics, I was concerned to read recently in the Minneapolis Star-Tribune: “After a prolonged review ordered by federal officials... 11 [mental health] treatment centers with a total of 580 beds no longer qualify for coverage under the federal-state Medicaid program. Officials cited a 1960s-era rule that prevents Medicaid from paying for care at institutions with more than 16 beds.”<sup>2</sup>

The law referenced is the Institutions for Mental Diseases (IMD) exclusion. Since 1965, the IMD exclusion has significantly harmed the treatment of those with substance use disorders (SUD) or mental illness. Specifically, the federal government will not pay for treatment services in facilities with more than 16 beds.

As you know, there is a severe shortage of mental health treatment in the United States. The IMD exclusion is a key contributor to that shortage.

In 2016, through section 12003 of the 21st Century Cures Act (Pub. L. No. 114-255), Congress required your agency, the Centers for Medicare and Medicaid Services (CMS), to issue guidance for states in utilizing 1115 waivers to increase access to mental illness treatment and ensure low income Americans receive the inpatient care they need. These waivers inform states on how they can redesign their mental health treatment systems and provide beneficiaries treatment in IMDs.

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<sup>1</sup>Blue Cross Blue Shield Association, “Major Depression: The Impact on Overall Health” available at <https://www.bcbs.com/the-health-of-america/reports/major-depression-the-impact-overall-health>

<sup>2</sup>Star Tribune, “Cutoff in federal funds could imperil children's mental health treatment centers across Minnesota” available at <http://www.startribune.com/children-s-mental-health-treatment-centers-lose-millions-in-federal-funding/482079391/>

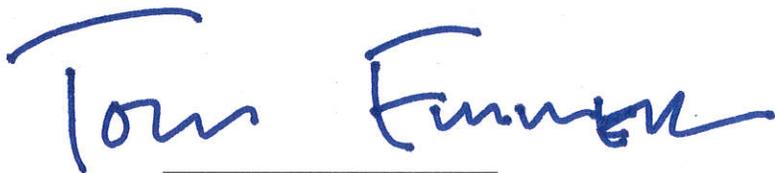
The deadline for this guidance was December 13, 2017. It is now five months past the congressionally directed deadline.

With treatment centers like the ones in Minnesota on the line, I request urgent attention to this matter. Specifically, please provide me and my staff an update on:

- Why CMS has missed the congressional deadline of December 13, 2017?
- When does CMS plan on completing the letter on guidance for states?
- What information will the letter include on the IMD exclusion, which is adversely impacting Minnesotans?

Thank you for your consideration and prompt attention. I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Tom Emmer". The signature is written in a cursive style with a large, sweeping initial "T" and a long, horizontal flourish at the end.

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Tom Emmer  
Member of Congress